

UNITED STATES DISTRICT COURT

Western District of Pennsylvania

UNITED STATES OF AMERICA

v.

BONNIE GARDNER

JUDGMENT IN A CRIMINAL CASE

Case Number: CR NO. 09-00186-002

USM Number: 33388-068

Martin A. Dietz, Esquire
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 (of Superseding Indictment)

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1349	Mail and Wire Fraud Conspiracy	March, 2008	1

The defendant is sentenced as provided in pages 2 through 15 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

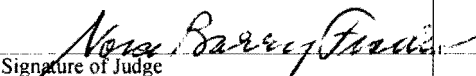
☐ The defendant has been found not guilty on count(s) _____

X Count(s) 2-15 (of Superseding Indictment) ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 18, 2013

Date of Imposition of Judgment


Signature of Judge

Nora Barry Fischer, United States District Judge
Name and Title of Judge

Date

10/18/13

DEFENDANT: BONNIE GARDNER
CASE NUMBER: CR NO. 09-00180-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Forty-two (42) months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant: (1) be incarcerated at a detention facility as near to her home in Apollo, Pennsylvania, for which she qualifies; (2) receive any available vocational and education training while incarcerated, for which she is eligible; (3) be afforded the opportunity to work while incarcerated for the purpose that the defendant making restitution payments from any wages she may earn in prison in accordance with the Bureau of Prisons' Inmate Financial Responsibility Program; (4) be evaluated and treated, if necessary, for any mental health conditions.

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

☒ at 9:00 ☒ a.m. ☐ p.m. on November 29, 2013, unless the defendant is advised to report to a facility at an earlier date by the Bureau of Prisons.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BONNIE GARDNER
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : Three (3) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*

☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*

☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*

☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BONNIE GARDNER
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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally possess a controlled substance.
2. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
3. The defendant shall report any change of address within 30 days to the United States Attorney's Office while any portion of the restitution remains outstanding.
4. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
5. The defendant shall obtain gainful employment.
6. The defendant shall pay restitution that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release at a rate of not less than 10% of her gross monthly earnings. The first payment shall be due within 30 days of the defendant's release from the custody of the Bureau of Prisons. The defendant does not have the ability to pay interest on the restitution. Therefore interest is waived.
7. The defendant shall provide the probation officer with access to any requested financial information.
8. The defendant shall cooperate in the collection of DNA as directed by the Probation Officer.

DEFENDANT: BONNIE GARDNER
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 15.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 13,703,189.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

X The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Ernestine Alberts 350 Derrick Avenue Uniontown, PA 15401		253,727	
Richard Ashton 32 Forest Avenue Uniontown, PA 15401		155,000	
Marvin Bailey 260 Railroad Avenue Blairsville, PA 15717		7,159	
Mayvis Bauman 5125 Fifth Avenue, Apt. 2C Pittsburgh, PA 15232		100,000	
Patricia Beard 390 Hulton Lane Oakmont, PA 15139		5,750	
TOTALS	\$	\$ 13,703,189.00	

Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

X the interest requirement is waived for the ☐ fine X restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BONNIE GARDNER
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Percentage</u>
Jack Bird 260 Charlet Street Bridgeville, PA 15017		60,000	
Jay Bird 260 Charlet Street Bridgeville, PA 15017		20,000	
Geraldine Blaney 139 Georges Fairchance Road Uniontown, PA 15401		235,850	
Victor & Judy Bonatch 82 Hilltop Drive Home, PA 15747		241,500	
Elsa Bonfigli 323 South Spring Avenue Greensburg, PA 15601		6,600	
Di & Dairu Wen Boxiong 9025 Delaware Drive N. Huntingdon, PA 15642		100,000	
John Carleo 2953 Kingston Court Irwin, PA 15642		62,800	
Meishing & Qing Ye Chen 131 Mohawk Drive Pittsburgh, PA 15228		52,000	
Jie, Jianfeng Li Chen 18 Dreams Lane East Painted Post, NY 14870		100,000	
Yaozhong Chen 336 Buffalo Ridge Road McMurray, PA 15317		0,000	

DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Qiliang, Yongtuan, & Jiang Fei Chen 1271 Otter Street, Franklin, PA 16323		50,000	
Yun Tai & Ying Chun Wang Chi 501 Peregrine Drive, N. Huntingdon, PA 15642		244,744	
Ching-Lin Chow 166 Regal Court, Monroeville, PA 15146		160,691	
Thomas & Debbie Coffman 1123 Stonbridge Drive, Durham, NC 27712		50,000	
Samuel & Lori Concelman 175 Browns Hill Road Valencia, PA 16059		54,000	
Gregg Cully 9771 Woodland Road Pittsburgh, PA 15237		11,750	
Louis & Judith Curry 87 Princeton Avenue Uniontown, PA 15401		50,000	
Daniel & Marion Delfrate 2170 Vincenza Drive Sparks, NV 89434		50,000	
Richard & Lucille Dennis 807 Flat Rock Road Markleysburg, PA 15459		50,000	
Andrew Dennis 487 Main Street Addison, PA 15411		23,100	
Nancy Duty 3625 Melrose Drive Raleigh, NC 27604		23,833	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Lawrence & Kathleen Dwojak 127 Carmella Drive Irwin, PA 15642		105,450	
Rentian Feng 1183 Camarta Drive Pittsburgh, PA 15227		28,000	
John & Judy Foley 3 Gateway Center, Suite 248 Pittsburgh, PA 15222		1,038,750	
John & Betsy Golding 110 Trenton Circle McMurray, PA 15317		47,000	
Tom & Vicki Gordon 105 McKean Road Freeport, PA 16229		730,250	
Earlene Halliwell 100 Bryn Mawr Court E., Apt. 408 Pittsburgh, PA 15221		41,175	
Gary & Rita Halliwell 11720 SE 255 th Place Kent, WA 98030		60,202	
Gary & Diane Han 935 Giovanni Lane Irwin, PA 15642		318,000	
Yen Hseuh 21 W231 Coronet Road Lombard, IL 60148		47,000	
Tenren Hsu 2531 N. Marshfield Avenue Chicago, IL 60614		233,146	

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Allen, Martha, Neal & Jeanine Huggins 412 Market Street Wilmington, NC 28401		97,466	
William Hutchison 1782 McClure Road Monroeville, PA 15146		22,000	
Linda Irwin 46 Eastport Court Redbank, NJ 07701		314,764	
Robert & Louise Jameson 455 Hopewell Road Brownsville, PA 15417		23,120	
Harvey Jeffries 123 Blackcherry Chapel Hill, NC 27517		91,333	
Kathryn Johnston 405 Butler Court Wilmington, NC 28412		9,866	
Douglas & Diane Jones 1813 Hideaway Lane Durham, NC 27712		22,666	
David Jones 785 Driftwood Drive Graham, NC 27253		23,500	
Steven & Annette Kohl 138 Chimney Lane Wilmington, NC 28409		23,000	
Hugh & Louise Kovalsky 15 Frankline Drive Belle Vernon, PA 15012		111,000	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 13A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
LAB Associates 408 Willard Street Ridgeway, PA 15853		14,266	
William Lansing 398 First Avenue Wetumpka, AL 36092		175,200	
Jin Luo 1616 Hinman Avenue, Apt. 7D Evanston, IL 60201		29,422	
Jack Mack 4765 Route 259 Highway Indiana, PA 15701		21,160	
Lenny Mack 253 Rhine Road Blairsville, PA 15717		21,574	
Dr. John Mathews 3703 Millstone Court Murrysville, PA 15668		102,000	
Richard Lee May 430 Kirkmans Ford Road Siler City, NC 27344		107,466	
Demi McCauley 1826 W. School Street Chicago, IL 60657		93,000	
Kathy McDaniel 9406 Voyagers Way Wilmington, NC 28412		23,500	
James & Sarah McGinnis 9400 Woodcrest Road Pittsburgh, PA 15237		267,360	

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Ying Fook Moy 2156 S. China Place, Unit B Chicago, IL 60616		95,000	
Coy & Joan Mullins 1003 Jane Drive Culloden, WV 25510		14,100	
William Murray 30 Elm Street Blacklick, PA 15716		14,530	
Susanne Newmeyer 3882 Circle Lake Drive W. Palm Beach, FL 33417		15,000	
Junhai & Liping Qian Ou 227 Melrose Drive New Stanton, PA 15672		175,000	
Yingguo & Dongxia Peng 813 Hillaire Pittsburgh, PA 15243		25,000	
Peyton & Ann Pitts 1907 Princess Street, PO Box 2006 Wilmington, NC 28402		14,200	
John Polosky 136 Lycippus Hardwood Road Latrobe, PA 15650		647,000	
Barry Popkin 201 Huntington Drive Chapel Hill, NC 27514		47,666	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Jeffrey Potter 1644 LaSalle Avenue Pittsburgh, PA 15216		10,000	
Charles & Linda Potter 224 Merion Drive Pittsburgh, PA 15228		46,333	
Barbara Price 1006 Red Oak Drive Harrison City, PA 15636		5,000	
Gerald & Marcia Quill 605 Pleasant Avenue Wyndmoor, PA 19038		5,466	
Raymond Reed 133 Sandro Street Indiana, PA 15701		50,000	
Martin & Vianeth Reutebuch 1776 Saratoga Drive Greenwood, IN 46143		17,500	
Eleanor Richardson 1030 W. Trinity Avenue Durham, NC 27701		20,000	
Craig Seifert 221 Rutherglen Drive Oakdale, PA 15071		71,250	
Allison Serakowski 58 Ross Hollow Road New Kensington, PA 15068		90,265	

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DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Chaofu & Baoyu Jasmine Sun Shi 1771 Moynelle Pittsburgh, PA 15243		41,000	
James Simon 322 Bunker Street Ligonier, PA 15658		73,000	
James Sisak 63 Grafton Road Blairsville, PA 15717		25,000	
Ted Stern 1943 Wightman Street Pittsburgh, PA 15217		4,400,000	
Jennifer Stever 1631 South Maple Carthage, MO 64836		175,200	
Wayne & Darlene Stiles 1790 Bruner Road Blairsville, PA 15717		35,000	
Thomas Stout 120 Brandywine Drive McMurray, PA 15317		47,000	
Naomi & Felix Tatar 40 Hobbitt Lane Finleyville, PA 15332		20,000	
Gerald Thomas 580 Butterfield N. Huntingdon, PA 15642		50,000	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK S. GUZIK, JR.
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Terry Wadsworth 128 Grafton Road Blairsville, PA 15717		155,738	
Dong Sheng & Qing Ling Cheng Wang 331 Ashland Avenue Pittsburgh, PA 15228		83,000	
Xiaoli Wang 169 Seneca Drive Pittsburgh, PA 15228		100,000	
Christian & Tanya Weller 220 Holiday Lane Homer City, PA 15748		25,000	
Raymond Whiteside 101 Moonlight Drive Monroeville, PA 15146		201,077	
Raymond (Randy) Whiteside, Jr. 101 Moonlight Drive Monroeville, PA 15146		75,000	
Sandra Willis 11241-101 Avocet Lane Raleigh, NC 27617		74,000	
Jeffrey & Linda Wolinski 6317 Sugar Pine Drive Wilmington, NC 28412		23,966	
Eti Zangrando 3718 Old William Penn Hwy. Pittsburgh, PA 15235		239,758	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BONNIE GARDNER
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
\$100.00 Special Assessment due immediately; As to Restitution ordered in the amount of \$13,703.189.00, the defendant shall make restitution payments from any wages she may earn in prison in accordance with the Bureau of Prisons' Inmate Financial Responsibility Program. Any portion of the Restitution that is not paid in full at the time of the defendant's release from imprisonment shall be paid as a condition of Supervised Release. The victim's recovery is limited to the amount of its loss, and the defendant liability for restitution ceases if and when the victim receives full Restitution. All restitution payments are to be made to the Clerk of the U.S. District Court for the Western District of Pennsylvania to be divided and forwarded to the victims in an amount proportional to each victim's share of the total loss.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the Restitution jointly and severally with Frank Guzik.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.